

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to sheet 5 of 7.

Figure 5B was amended to include identifier “510”.

New Figure 5(c) was added. Figure 5(c) is identical to Figure 5(a), except that it further shows a portion of protective layer 506 of Figure 5(b).

No new matter is added by way of these amendments.

Attachment:      Replacement sheet

**REMARKS**

Prior to entry of this paper, Claims 12-18 and 26-44 were pending. Claims 12-18 and 44 were withdrawn from consideration. Claims 26-35 and 40-43 were rejected. Claims 36-39 were identified as being allowable if rewritten in independent form. In this paper, Claim 44 is cancelled, and new Claim 45 is added. Claims 12-18, 26-43, and 45 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending elected claims is in condition for allowance.

**Allowable Subject Matter (Claims 36-39)**

Claims 36-39 were identified as being allowable if rewritten in independent form. Claims 36-39 are each respectfully submitted to depend from an allowable claim for at least the reasons stated below.

**Double Patenting Rejection**

Claims 28, 29, 32, 33, 35, 40, and 42 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 9-12 of U.S. Patent No. 7,044,908. It is respectfully submitted that this rejection is moot in light of the terminal disclaimer.

**Claim 35**

The sole rejection to Claim 35 is moot. For at least this reasons, it is respectfully submitted that Claim 35 is in condition for allowance, and notice to that effect is earnestly solicited.

**Claims 26-34 and 40-43**

**Traversal of the 35 U.S.C. § 102 rejection of Claims 26 and 40**

Claims 26-29, 31, 32, and 40-42 were rejected under 35 U.S.C. 102(b) as being anticipated by Meron et al. (WO 01/53792). Each of these rejections is respectfully traversed.

The rejection is respectfully traversed with regard to Claim 26 at least because Meron fails to disclose, “at least one of the one or more sensors is curved to shape to the contour”, as recited in Applicants’ Claim 26. Claims 27-29, 31, and 32 depend from Claim 26.

The Office Action states that components 52 and 55 of Figure 7 of Meron are sensors curved to the shape of the contour. However, reactant 52 of Meron is a reactant, not a sensor (see, e.g., page 11, line 29 of Meron). Further, camera 55 is not curved to the shape of the contour of the capsule.

The reactant is described in Meron as:

“a band of reactant 24 layer... which is inserted into a body lumen 20 such that the reactant layer is immersed in the body lumen fluids... and is in contact with the substances 26 contained in the body lumen fluids. The contact between the reactant and the substances results in a reaction which is optically detected and reported...” (Meron et al., page 6, lines 9-13).

The reaction involving the reactant is observed optically, indicating that the reactant itself is not a sensor. Rather the imaging device that optically detects the reaction is the sensor. The optical sensors in Meron are mounted inside the capsule, and do not curve to the shape of the contour of the capsule.

The rejection is respectfully traversed with regard to Claim 40 at least for reasons similar to those stated above with regard to Claim 26.

**Traversal of the 35 U.S.C. § 103 rejection of Claims 26 and 40**

Claims 26-29, 31, 32 and 40-42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Meron et al. (US 2002/0109774) in view of McKenna et al. (U.S. Pat. 6,261,226). Each of these rejections is respectfully traversed.

The rejection is respectfully traversed with regard to Claim 26 at least because the proposed combination fails to meet the limitation, “at least one of the one or more sensors is curved to shape to the contour”, as recited in Applicants’ Claim 26.

McKenna describes CCD imaging sensors that are arranged in continuous bands around the endoscope wall. However, in McKenna, the CCD sensors themselves are not curved. Rather, in McKenna, the sensors themselves are flat. See, e.g., FIGs. 22-24 of McKenna, which show that each of the CCD sensors 70 of McKenna is flat, and not curved.

Note that, in McKenna, each CCD image sensor is small relative to the capsule so that the **array** of CCD image sensors forms a curved **arrangement**, while each CCD image sensor itself is not curved. In contrast, Applicants’ Claim 26 recites, “at least one of the one or more sensors is curved to the shape of the contour”.

The rejection is respectfully traversed with regard to Claim 40 at least for reasons similar to those stated above with regard to Claim 26.

Each of the rejections to Claims 26 and 40 are traversed for at least the reasons stated above. Accordingly, it is respectfully submitted that Claims 26 and 40 are in condition for allowance, and notice to that effect is earnestly solicited.

**Claims 27-34 and 41-43**

Claims 27-34 depend from Claim 26, which is submitted to be allowable. Claims 41-43 depend from Claim 40, which is submitted to be allowable. For at least these reasons, it is respectfully submitted that Claims 27-34 and 41-43 are in condition for allowance.

**New Claim 45**

Claim 45 is respectfully submitted to be allowable at least for reasons similar to those stated above with regard to Claim 26.

**Objections to the Drawings**

The drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims.

First, the Office Action stated that “outer shell that covers at least a portion of the shell” must be shown. Second, the office Action stated that, “covering that is applied over at least a portion of the shell” must be shown. Each of these objections is respectfully traversed. FIG. 5(b) shows a protective layer (506) covering a sensor module 510, where sensor module 510 forms a shell, and where protective layer 506 is an outer shell, and is also a covering.

The Office Action states that. “the specification fails to equate such protective layer as the covering”, and objects to the fact that neither an outer shell nor a covering is “enumerated”. However, this goes beyond what is necessary.

Consider, for example, by way of analogy, a hypothetical drawing of a switching regulator that included a transistor M1, that operated as a switch. Different claims to this switching regulator in this hypothetical drawing could refer to a “transistor”, a “switch”, or a “semiconductor device”, each of which would read on the transistor M1 in the figure as one embodiment of each of these hypothetical claims. Each of these phrases (“transistor”, “switch”, “semiconductor device”) has a different scope from the other, yet each reads on transistor M1 in the hypothetical figure. Each of these different phrases (“transistor”, “switch”, “semiconductor device”) are shown fully by this hypothetical drawing; it would not be necessary to have three separate drawings, one referring to M1 as a “transistor”, another referring to a “semiconductor device”, and another referring to a “switch.” The “transistor M1” of this hypothetical figure is a transistor, and it is a switch, and it is

also a semiconductor device. The hypothetic drawing referring to M1 as a "transistor" would be adequate to show this feature of each of these hypothetical claims.

Protective layer 506 of FIGURE 5(b) is an outer shell that covers at least a portion of a shell (sensor module 510 is at least a portion of a shell). Protective layer 506 of FIGURE 5(b) is also a covering that is applied over at least a portion of the shell.

It is respectfully submitted that the remaining drawing objections are moot.

### CONCLUSION

It is respectfully submitted that each of the presently pending elected claims (Claims 26-43, and 45) is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

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Respectfully submitted,

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